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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,916	11/14/2003	Mei Hui Chen	FP9862	7647

7590

02/17/2006

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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,916

Applicant(s)

CHEN, MEI HUI

Examiner

Jeff H. Aftergut

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 63-112784.

Japanese Patent '784 suggested that those skilled in the art at the time the invention was made would have provided a method of attaching a flower onto an article of clothing for example by covering the pressed flower with a layer of transparent resin which is a hot melt adhesive which becomes sticky when heated, see hot melt films 2, 2' which are disposed on either side of flower 1 to seal the same there between. The reference additionally suggested that one skilled in the art would have attached the flower to a base material such as fabric 4. It should be noted that after placement of the assembly including the flower 1 sandwiched between the hot melt films 2, 2', the reference taught that a release layer 5 was disposed over the assembly and then heat and pressure applied to the assembly in order to join the assembly, the heat being applied indirectly through the release sheet 5 thereby adhering the pressed flower to the fabric substrate material.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 63-112784 in view of Japanese Patent 2003-206467.

Japanese Patent '784 is discussed above in detail. The reference failed to teach that those skilled in the art would have utilized an iron to apply the pressure and heat on the backside of the release sheet. However, when making a pressed flower assembly, it was well known at the time the invention was made to apply heat and pressure to the assembly with an iron as evidenced by Japanese Patent '467. More specifically, as disclosed with reference to Figure 4, an iron 9 was used to heat a hot melt adhesive material to join a pressed flower via heat and pressure from the same wherein one employed a release layer over the flower between the flower and the iron as depicted. Clearly, as it would have been viewed as a suitable means for application of heat and pressure for joining a pressed flower, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the techniques of Japanese Patent '467 to make the pressed flower assembly in Japanese Patent '784.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with any one of Australian Patent Abstract No 8432527 (from Derwent), Brennan, Parker or Columbus.

The references as set forth above suggested that one skilled in the art would have applied heat and pressure to attach the pressed flower to the substrate wherein the pressed flower was covered with the heat activated adhesive material and wherein

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the adhesive was activated with the use of an iron which was heated and which indirectly heated the adhesive through a release paper. The references failed to teach that one skilled in the art would have attached the pressed flowers to the substrate with a heat activated adhesive which was activated via frictional rubbing from the fingers of the hand. The use of such an adhesive would have eliminated the need for an external heat source to apply the flower to the article and thus, if available, would have been desirable to use in the process. The references to each one of Australian Patent Abstract No. '527, Brennan, Parker or Columbus suggested that friction activated thermoplastic adhesive materials were known per se in the art wherein the adhesive materials were activated via frictional contact via a rubbing action which generated enough heat to develop a bond. While the prior art as set forth above did not utilize such friction activated heat activated adhesive materials, surely one skilled in the art would have understood the merits of the same in light of the elimination of the need for an external heated iron to develop a bond between the pressed flower and the substrate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the adhesive materials of any one of Australian Patent Abstract No 8432527 (from Derwent), Brennan, Parker or Columbus in the process of making a pressed flower assembly as set forth above in paragraph 4.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
February 14, 2006